THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.651 of 2007

Dated: 29.01.2007

Between:

Sri Sutharula Rama Mandiram.

..... PETITIONER

AND

State of Andhra Pradesh, rep.by its Secretary,
Endowments Department, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.651 of 2007

ORDER:

Sri Sutharula Rama Mandiram, Kothapet in Krishna District assails the proceedings of third respondent dated 04.12.2006. Be it noted by said proceedings, third respondent, while appointing the Manager of Nuzveedu group temples to take charge of the petitioner-temple, ordered to conduct public auction of the land admeasuring Acs.10.43 cents belonging to the temple.

It is the case of the petitioner that the temple was constructed by a group of masons on the land donated by Unde Ramulu. The temple at present owns Acs.10.43 cents. The temple was managed by Bandaru Ramanujulu till 1976. In 1992, Mutyala Rajaiah took charge as Trustee. It was further succeeded to two other trustees. At present statedly a temple committee is managing the temple.

Learned counsel for the petitioner submits that there is no necessity to put the land to auction and that an attempt is being made by vested interest to grab the property. She also summits that when the temple committee is managing the temple without any objection from any quarter, there is no necessity to appoint a single trustee.

A perusal of the impugned order would show that the temple is registered under Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity). By impugned order, Sri B. Ravindra, the Manager of Nuzveedu group temples was appointed as a single trustee under Section 15(3) of the Act and he was authorized to put the property to public auction. The same does not mean that the land is being sold away. Under the present legal dispensation, unless and until the Commissioner sanctions the sale of the property belonging to a religious institution, the property cannot be sold. However, it is always permissible for the managing trustee or the executive officer to auction the leasehold rights of the agricultural lands in accordance with the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Lease of Agricultural Lands Rules, 2003. Therefore, it is a misconception on the part of the petitioner that the land is being sold away by way of public auction. Insofar as the grievance regarding appointment of Ravindra as single trustee is concerned, the petitioner can as well seek redressal before the Regional Joint Commissioner by way of filing a revision under Section 92 of the Act. Further though Ravindra has been appointed as single trustee, he has not been made as a party to the writ petition. For the above reasons, the writ petition cannot be entertained.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

29th January, 2007
ghn